

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LYNDSY EDLAND, EURAL DEWAYNE  
DEBBS,

Plaintiffs,

v.

PAUL EDLAND; ROBERT EDLAND;  
MARION EDLAND; DIRECTOR OF  
SOCIAL SERVICES ROBIN ARNOLD  
WILLIAMS; CHIEF SUPERVISOR DON  
COOPER; JENELL PARKER; JANE  
WILSON; BRENDA SEVERINO; DESIREE  
ELKINS; GRECHIN KAMON FISHER;  
WARD PETERSON; JULIE LOWERY;  
JULIE DUNNE MURPHY; JANE and JOHN  
DOES 1 through 10, individual capacity,

Defendants.

Case No. C08-5222RBL

ORDER

THIS MATTER is before the Court on Plaintiffs' Applications to Proceed *In Forma Pauperis*. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiffs Lyndsy Edland and her fiancé Eural Dewayne Debbs have filed applications to proceed *in forma pauperis* and a proposed complaint. The proposed complaint names as defendants plaintiff Edland's ex-husband, two others with the surname of Edland, and ten employees of the State of Washington (presumably of the Department of Social and Health Services). The proposed complaint alleges a broad conspiracy to deprive Ms. Edland of the custody of her daughter in violation of the Fourteenth Amendment to the United States Constitution and various other state law violations.

1 This Court has broad discretion in determining applications to proceed *in forma pauperis*. *Weller v.*  
 2 *Dickson*, 314 F.2d 598 (9<sup>th</sup> Cir.), *cert. denied*, 375 U.S. 845 (1963). For the reasons stated below, the Court  
 3 **DENIES** the applications to proceed *in forma pauperis* and **DISMISSES** the proposed complaint.

4 Plaintiffs' proposed complaint seeks to embroil this Court in the child custody battle between Ms.  
 5 Edland and her ex-husband. It is well settled that federal courts do not have subject matter jurisdiction based  
 6 on diversity of citizenship of domestic relations cases. "[T]he whole subject of the domestic relations of  
 7 husband and wife, parent and child, belongs to the laws of the states, and not the laws of the United States."  
 8 *In re Burrus*, 136 U.S. 580, 593-94 (1890). Courts have abstained from deciding cases that involve domestic  
 9 relations even when jurisdiction is based on a federal question. *Thompson v. Thompson*, 798 F.2d 1547, 1558  
 10 (9<sup>th</sup> Cir. 1986), *aff'd*, 484 U.S. 184 (1988). Even though plaintiffs' complaint does not explicitly seek an order  
 11 from this Court to award them custody of Ms. Edland's daughter, to decide her claims the Court would have  
 12 to re-adjudicate the merits of the custody ruling. This Court should decline jurisdiction in matters such as these  
 13 which are "'on the verge' of the [domestic relations] exception, when there is no obstacle to a full and fair  
 14 determination in the state courts . . ."<sup>1</sup> *Bossom v. Bossom*, 551 F.2d 474, 475 (2<sup>nd</sup> Cir. 1976). Abstention is  
 15 appropriate because "the interests of justice would be served by allowing the determination to be made by [the  
 16 state courts] in view of their great familiarity with matrimonial disputes and the absence of any such expertise  
 17 by the federal courts." *Id.*; *see also Elk Grove Sch. Dist. v. Newdow*, 542 U.S. 1, 13 (2004) (it is sometimes  
 18 appropriate for federal courts to decline to hear cases involving domestic relations even when divorce, alimony,  
 19 or child custody is not directly at issue); *see also Csibi v. Fustos*, 670 F.2d 134, 137 (9<sup>th</sup> Cir. 1982) (federal  
 20 courts may abstain from deciding cases where domestic relations issue are tangential to other issues in the  
 21 case).

22 Plaintiffs' applications to proceed *in forma pauperis* are **DENIED**. This complaint is **DISMISSED**.  
 23 **IT IS SO ORDERED.**

24 Dated this 7<sup>th</sup> day of May, 2008.

25   
 26 RONALD B. LEIGHTON  
 27 UNITED STATES DISTRICT JUDGE  
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<sup>1</sup>Plaintiffs do not allege in the complaint that any state court officials deprived them of any rights.